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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-----------------------------------|------------------|
| 10/511,334 | 06/22/2005 | Jurgen Leib | 2133.060USU | 2382 |
| 27623 | 7590 | 01/27/2010 | | |
| OHLANDT, GREELEY, RUGGIERO & PERLE, LLP ONE LANDMARK SQUARE, 10TH FLOOR STAMFORD, CT 06901 | | | EXAMINER FOURSON III, GEORGE R | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2823 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 01/27/2010 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/511,334 | LEIB ET AL. | |
| | Examiner | Art Unit | |
| | George Fourson | 2823 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17, 19 and 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15, 32 and 37 is/are allowed.
- 6) ☐ Claim(s) 1-3, 5-8, 10-12, 14, 16, 19-23, 25, 26, 28, 31, 33 and 35 is/are rejected.
- 7) ☒ Claim(s) 9, 13, 17, 18, 27, 29, 30, 34, 36 and 38-40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3,6,7,12,14,16,19,20,22,23,25,26,28,31,33 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Pliskin et al 4506435.

Claim 1 now contains the limitations of previous claim 18. Claim 18 was inadvertently omitted from the rejection over Pliskin et al in the office action mailed 8/11/09. Pliskin discloses use of photolithography to pattern layer 10/12 as noted below in the restatement of the rejection in the office action mailed 8/11/09.

Pliskin et al discloses forming negatively patterned first coating 10/12 using resist patterning by photolithography to expose plural regions of a substrate surface (col.3, lines 61-68 and column 8, line 18), depositing binary evaporation coating glass 20 (tables I, II and III) using e-beam evaporation on the remaining portion of 10/12 and the surface exposed by 10/12 (col.6, line 27 and col.7 line 18), reflowing 20 (col.4, line 49 and col.7 lines 44-47), removing 20 by etching and removing 10/12 to expose a channel region of a transistor which necessarily includes conductive gate and contact regions (col.7, line 65 – col.8, line 60).

Claims 5,8,10,11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over claims Pliskin et al '435 as applied to claims 1-3,6,7,12,14,16,19, 20,22,23,25,26,28,31,33 and 35 above, and further in view of the following argument.

The examiner takes official notice that plasma ion-enhance evaporation coating was known as an evaporation method of forming glass layers such as those of Pliskin et al prior to applicant's invention.

The examiner takes official notice that co-evaporation to form glass layers such as those of Pliskin et al was known prior to applicant's invention.

The examiner takes official notice that wet-chemical etching and solvent removal of silicon nitride was known prior to applicant's invention.

It would have been obvious to one of ordinary skill in the art to combine the teachings of Pliskin et al and the prior art methods to enable the evaporation coating step and patterning of 10/12 to be performed according to the prior art methods because in such a process the prior art methods would be used according to it's known intended purpose and would have reasonably been expected by one of ordinary skill in the art to yield the predictable results of evaporation coating step and patterning of 10/12.

Pliskin et al discloses CVD or sputtering as methods of forming the glass layer 20 (col.7, lines 9-43). In view of the disclosure that either of these methods or evaporation is disclosed as suitable in forming the entire layer 20 it would have been obvious to one of ordinary skill in the art to form a portion of the layer using sputtering or CVD and the remaining portion using evaporation.

Claims 1-3 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by IBMTDB XP-002264775.

IBMTDB XP-002264775 discloses forming patterned lift-off mask using lithography (dotted lines in fig.3), forming evaporation glass on the lift-off mask and removing the glass and lift-off mask in a lift-off process (steps 5-7).

Claims 15, 32 and 37 are allowed.

Claims 9,13,17,18,27,29,30,34, 36 and 38-40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Fourson whose telephone number is (571)272-1860. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached on (571) 272-1907. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/George Fourson/
Primary Examiner, Art Unit 2823

GFourson
January 27, 2010